

### III. REMARKS

Claims 1-12 are pending in this application. By this amendment, claims 1-7 and 12 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed.

Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application.

Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 5 and 12 are objected to under 37 CFR §1.75(c) as allegedly being in improper independent form. Claim 6 is objected to because of alleged improper punctuation. Claim 2 is rejected under 35 U.S.C. §112 as allegedly being indefinite. Claims 1-12 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Benson (EP Patent No. 0 936 530 A1), hereafter "Benson" in view of Mooney *et al.* (U.S. Patent No. 6,351,813 B1), hereafter "Mooney."

#### A. OBJECTION TO CLAIMS 5 AND 12 UNDER 37 CFR 1.75(c) AND TO CLAIM 6 FOR INFORMALITIES

The Office has objected to claim 6 for informalities. Applicants have amended claims 1-7 to remove the reference numerals and to include proper punctuation. Applicants have further amended claims 5 and 12 to place them in proper independent form in response the objection of the Office. Accordingly, Applicants respectfully request that the Office withdraw its objections.

**B. REJECTION OF CLAIM 2 UNDER 35 U.S.C. §112**

The Office has asserted that claim 2 is indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claim 2 to recite "...an intermediate buffer (10) of said virtual smart card." Applicants assert that this amendment further clarifies the invention. Accordingly, Applicants request that the objection be withdrawn.

**C. REJECTION OF CLAIMS 1-12 UNDER 35 U.S.C. §103(a)**

With regard to the 35 U.S.C. §103(a) rejection over Benson in view of Mooney, Applicants assert that the combined features of the cited art do not teach each and every feature of the claimed invention. Specifically, with respect to independent claims 1, 2 and 5, Applicants submit that Benson fails to teach or suggest a virtual smart card control component for handling creating of a virtual smart card. The invention in Benson deals with "...a bridge technology called Virtual Smart Card which emulates a real smart card by providing an identical interface and collection of services." Col. 3, paragraph 0011. The Benson virtual smart card has an emulator that emulates a physical smart card reader by passing information to and from the Virtual Smart Card in the same manner that a physical smart card would. Col. 6, paragraph 0024. This emulation by the Virtual Smart Card in Benson includes all three of the states of a physical smart card, i.e.: idle, in-use and destroyed. Col. 3, paragraph 12, col. 2, paragraph 0007. The emulation provided by the emulator of Benson allows a smart card-aware application to seamlessly inter-operate with the Virtual Smart Card as if it were a physical smart card. Col. 3, paragraph 0011. However, nowhere in Benson is it taught or suggested that the emulator actually

creates the smart card. In contrast, the present invention includes "...a virtual smart card control component for handling creating of a virtual smart card." Claim 1. As such, the control component of the virtual smart card of the present invention handles creating of the virtual smart card, not merely emulating a physical smart card as in Benson. Thus, the virtual smart card control component for handling creating of a virtual smart card as included in the present invention is not equivalent to the emulator for emulating a physical smart card in Benson. Mooney does not remedy this deficiency. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to independent claims 1, 2 and 5, Applicants respectfully submit that the cited references also fail to teach or suggest a smart card manager component for providing a menu controlled graphical user interface allowing user actions for initiating creation of a VSC. Specifically, Benson has a smart card resource manager, which provides communications between the smart card service provider and the Reader Helper Driver. Col. 6, paragraph 23. However, nowhere does Benson teach or suggest that its Smart Card Resource Manager is used in the creation of the Virtual Smart Card. The Office also cites Mooney, which has Window Interface Diagrams. Col. 4, lines 60-65. However, the Window Interface Diagrams cited by the Office in FIGS. 4-7 of Mooney are used only to encrypt a data file on a computer system using a Smart Card. Col. 4, lines 61-65. The Window Interface Diagrams are not used anywhere in Mooney to create or in any way transfer data from the smart card. The present invention, in contrast, includes "...a smart card manager component for providing a menu controlled graphical user interface allowing user actions for initiating creation of a VSC." Claim 1. The menu controlled graphical user interface in the current invention is not used to encrypt a source file as

do the Window Interface Diagrams of Mooney, but rather allows user actions for initiating creation of a virtual smart card. Furthermore, whereas the Benson smart card resource manager only provides communications between two elements of the Virtual Smart Card, the smart card manager component as included in the present invention includes a menu controlled graphical user interface allowing user actions for initiating creation of a virtual smart card. For the above reasons, the combination of the Benson smart card resource manager and the Window Interface Diagrams for encrypting a file of Mooney are not equivalent to the smart card manager component including a menu controlled graphical user interface allowing user actions for initiating creation of a virtual smart card as claimed in the present invention. Accordingly, Applicants request that the rejection of the Office be withdrawn.

With still further respect to independent claims 1 and 5, Applicants respectfully submit that the cited references also fail to teach or suggest transferring said data objects to be backed-up from said real smart card to said virtual smart card. As stated above, the Benson smart card emulator simply emulates the functions of a physical smart card. Col. 3, paragraph 0011-0012; col. 6, paragraph 0024. Nowhere does Benson teach that its emulator transfers data objects from a physical smart card to the Virtual Smart Card. In contrast, the present invention includes "...transferring said data objects to be backed-up from said real smart card to said virtual smart card." Claim 1. As such, the data objects to be backed-up from the real smart card are transferred to the virtual smart card. This is not equivalent to the Benson emulator, which simply emulates the function of a physical smart card. Mooney does not remedy this deficiency. Accordingly, Applicants respectfully request that the Office's rejection be withdrawn.

With still further respect to independent claim 2, Applicants respectfully submit that the cited references also fail to teach or suggest writing said data objects to be securely copied from an intermediate buffer of said virtual smart card into said assigned area of said real smart card. As stated above, the Benson smart card resource manager simply provides communications between the smart card service provider and the Reader Helper Driver. Col. 6, paragraph 23. Nowhere does Benson teach or suggest that its Smart Card Resource Manager is used to write data objects from the Virtual Smart Card to a physical smart card. In contrast, the present invention includes "...writing said data objects to be securely copied from an intermediate buffer of said virtual smart card into said assigned area of said real smart card." Claim 2. Thus, in contrast to the Smart Card Resource Manager of Benson that simply provides communications between elements of the Benson Virtual Smart card, the data objects as included in the present invention are written from an intermediate buffer of the virtual smart card into an assigned area of a real smart card. For the above stated reasons, writing the data objects as included in the present invention is not equivalent to the Benson Smart Card Resource Manager. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

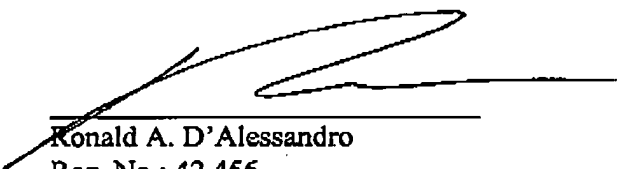
With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

**IV. CONCLUSION**

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

Date: August 17, 2004



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